

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES E. WIIG)	
)	
Petitioner,)	8:10CV233
)	
v.)	
)	
MR. IVES,)	MEMORANDUM AND ORDER
)	
Respondent.)	
_____)	

Petitioner has filed a petition for writ of habeas corpus under [28 U.S.C. § 2254](#) (Filing No. [1](#)), a motion for leave to proceed in forma pauperis (Filing No. [2](#)), and a copy of his prisoner trust account statement (Filing No. [4](#)).

Habeas corpus cases must be filed in the jurisdiction which has jurisdiction over the custodian of the petitioner. Mr. Ives is the Warden of the Federal Correctional Institution in Herlong, California, which is the facility in which the petitioner is presently confined. This facility is in the Eastern District of California. Thus, the United States District Court for that jurisdiction is the only court that has jurisdiction to hear petitioner's petition for writ of habeas corpus. See *Rumsfeld v. Padilla*, 542 U.S. 426, 159 L.Ed.2d 513, 124 S.Ct. 2711 (2004).

As this Court lacks jurisdiction, the petition will be dismissed without prejudice. Accordingly,

IT IS ORDERED that petitioner's petition for writ of habeas corpus is dismissed without prejudice.

DATED this 1st day of July, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court